

THIS IS THE BEGINN	ING OF ADMIN	NISTRATIVE FINE CASE #2533
DATE SCANNED	10/4/12	
SCANNER NO.		
SCAN OPERATOR	233	





2012 JUL ! 1 A !!: 31

July 10, 2012

# **MEMORANDUM**

SENSITIVE

TO:

The Commission

THROUGH:

Alec Palmer

Staff Director

FROM:

Patricia Carmona

**Chief Compliance Officer** 

Debbie Chacona Chacona Assistant Staff Director Reports Analysis Division

BY:

Jodi Winshin/David Garr 10

Compliance Branch

SUBJECT:

Reason To Believe Recommendation - 2012 May Monthly Report For The

Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 May Monthly Report in accordance with 2 U.S.C. § 434(a). The May Monthly Report was due on May 20, 2012.

The committees listed in the attached RTB Circuintion Report fried the report no more than thirty (30) days after the due date (considered a late filed report) or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

### **Recommendation**

- 1. Find mason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- 2. Send the appropriate letters.

# Reason to Believe Circulation Report 2012 MAY MONTHLY Not Election Sensitive 05/20/2012 P\_UNAUTH Federal Election Commission

alty			
LOA RTB Penalty	\$200	\$550	\$375
	\$11,071	\$18,087	\$2,779
Days Late	18	Not Filed \$18,087	Not Filed \$2,779
Threshold PV Receipt Date Days Late	6/7/2012	6/20/2012	6/20/2012
Ρ	0	0	2
Threshold	\$300,633	\$110,631	\$201,305
Treasurer	DAVID GOULD \$300,633	ROBERT M. CANNON	SIOBHAN BENNETT
Candidate Name			
Committee Name	DEMOCRATIC PARTY OF ORANGE COUNTY FED PAC	SOUTHERN COMPANY - SOUTHERN NUCLEAR OPERATING COMPANY, INC. PAC	2533 C00424150 WOMEN'S CAMPAIGN FORUM
AF# Committee ID	2531 C00321943	2532 C00250407	C00424150
AF#	2531	2532	2533

### BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)
Reason To Believe Recommendation - 2012	) )
May Monthly Report for the Administrative	)
Fine Program:	)
DEMOCRATIC PARTY OF ORANGE	) AF# 2531
COUNTY FED PAC, and DAVID GOULD	)
as treasurer;	)
SOUTHERN COMPANY - SOUTHERN	) AF# 2532
NUCLEAR OPERATING COMPANY,	)
INC. PAC, and CANNON, ROBERT M. as	)
treasurer;	)
WOMEN'S CAMPAIGN FORUM, and	) AF# 2533
SIQBHAN BENNETT as treasurer;	)

# **CERTIFICATION**

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on July 12, 2012 the Commission took the

following actions on the Reason To Believe Recommendation - 2012 May Monthly

Report for the Administrative Fine Program as recommended in the Reports Analysis

Division's Memorandum dated July 10, 2012, on the following committees:

AF#2531 Decided by a vote of 6-0 to: (1) find reason to believe that DEMOCRATIC PARTY OF ORANGE COUNTY FED PAC, and DAVID GOULD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2532 Decided by a vote of 6-0 to: (1) find reason to believe that SOUTHERN COMPANY - SOUTHERN NUCLEAR OPERATING COMPANY, INC. PAC, and CANNON, ROBERT M. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2533 Decided by a vote of 6-0 to: (1) find reason to believe that WOMEN'S CAMPAIGN FORUM, and SIOBHAN BENNETT as treasurer violated 2 U.S.C. 434(a) and make a prehiminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Shawn Woodhead Werth

Secretary and Clerk of the Commission



July 13, 2012

Siobhan Bennett, in official capacity as Treasurer Women's Campaign Forum 1900 L Street NW Washington, DC 20036

C00424150 AF#: 2533

Dear Ms. Bennett:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a May Monthly Report of Receipts and Disbursements covering the period through April 30th. This report shall be filed no later than May 20th. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC fo impose civll money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On July 12, 2012, the FEC found that there is reason to believe ("RTB") that Women's Campaign Forum and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before May 20th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$375. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <a href="http://www.fec.gov/af/af.shtml">http://www.fec.gov/af/af.shtml</a>. 11 C.F.R. § 111.34. Your payment of \$375 is due within forty (40) days of the finding, or by August 21, 2012, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$2,779

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are

considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 2

At this juncture, the following courses of action are available to you:

# 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or August 21, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and suppording documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 heurs after the end of these reasonably unforesoen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your centrol include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of informatinn transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and stuff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider fuilures; (5) failure to know filiag dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

# 2. If You Choose Net to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Women's Campaign Forum and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection, 11 CFR § 111.51(a)(2).

# 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <a href="http://www.fec.gov/af/af.shtml">http://www.fec.gov/af/af.shtml</a>. If you have questions regarding the payment of the calculated civil money penalty, please contact David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Caroni C. Hunter

Caroline C. Hunter

Chair

# **ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty ealculated at RTB is \$375 for the 2012 May Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

The remittance and your payment are due by August 21, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

# **PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

# PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Women's Campaign Forum

FEC ID#: C00424150

AF#: 2533

PAYMENT DUE DATE: August 21, 2012

PAYMENT AMOUNT DUE: \$375



RECEIVED FEDERAL ELECTION COMMISSION SECRETARIAT

2012 AUG 31 AM 9: 24

August 30, 2012

# **MEMORANDUM**

SENSITIVE

TO:

The Commission

THROUGH:

Alec Palmer O

FROM:

Patricia C. Orrock

Chief Compliance Officer

Debbie Chacona DC
Assistant Staff Director
Reports Analysis Division

BY:

NJodi Winship/David Gan

Compliance Branch

SUBJECT:

Administrative Fine Program - Final Determination Recommendation for the

2012 May Monthly

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 May Monthly. The committees have paid the civil money penalties requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondents that have paid the civil money penalties.

### **RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers listed on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

Federal Election Commission
FD Circulation Report Fine Paid
2012 MAY MONTHLY Not Election Sensitive 05/20/2012 P\_UNAUTH

AF#	Committee Name	Candidate Committee	Committee	Treasurer	Receipt Date	Days Late	LOA	2	RTB Date	RTB Penalty	Final Money Penalty	Receipt Days Late LOA PV RTB Date RTB Penalty Final Money Date Paid Amount Date  Date	Amount Paid	
2531	DEMOCRATIC PARTY OF ORANGE COUNTY FED PAC		C00321943	DAVID GOULD	06/07/2012	18	\$11,071 0	0	07/12/2012	\$200	\$200	07/30/2012	\$200	
2532	SOUTHERN COMPANY - SOUTHERN NUCLEAR OPERATING COMPANY, INC. PAC		C00250407	C00250407 ROBERT M. CANNON 06/20/2012 Not Filed \$18,087	06/20/2012	Not Filed	\$18,087	0	07/12/2012	\$550	\$550	08/21/2012	\$550	
2533	WOMEN'S CAMPAIGN FORUM		C00424150	C00424150 SIOBHAN BENNETT 06/20/2012 Not Filed \$2,779	06/20/2012	Not Filed	\$2,779	2	07/12/2012	\$375	\$375	08/09/2012	\$375	

# BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Administrative Fine Program – Final	)	
Determination Recommendation for the	)	
2012 May Monthly Report:	)	
DEMOCRATIC PARTY OF ORANGE	)	AF# 2531
COUNTY FED PAC, and DAVID GOULD	)	
as treasurer;	)	
SOUTHERN COMPANY - SOUTHERN	)	AF# 2532
NUCLEAR OPERATING COMPANY,	)	
INC. PAC, and CANNON, ROBERT M. as	)	
treasurer;	)	
WOMEN'S CAMPAIGN FORUM, and	)	AF# 2533
SIOBHAN BENNETT as treasurer;	)	

# **CERTIFICATION**

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on September 04, 2012 the Commission took the following actions on the Administrative Fine Program – Final Determination

Recommendation for the 2012 May Monthly Report as recommended in the Reports

Analysis Division's Memorandum dated August 30, 2012, on the following committees:

AF#2531 Decided by a vote of 6-0 to: (1) make a final determination that DEMOCRATIC PARTY OF ORANGE COUNTY FED PAC, and DAVID GOULD as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2532 Decided by a vote of 6-0 to: (1) make a final determination that SOUTHERN COMPANY - SOUTHERN NUCLEAR OPERATING COMPANY, INC. PAC, and CANNON, ROBERT M. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2533 Decided by a vote of 6-0 to: (1) make a final determination that WOMEN'S CAMPAIGN FORUM, and SIOBHAN BENNETT as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate latter. Commissioners Bauerly, Hunter, McGalan II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Sylinder 5, 3012

Date

Shawn Woodhead Werth
Secretary and Clerk of the Commission



September 5, 2012

Siobhan Bennett, in official capacity as Treasurer Women's Campaign Forum 1900 L Street NW, Suite 500 Washington, DC 20036

C00424150 AF#: 2533

Dear Ms. Bennett:

On July 12, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Women's Campaign Forum and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 May Monthly Report. By letter dated July 13, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$375 in accordance with the schedule of penalties at 11 CFR § 111.43.

On August 9, 20f2, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on September 4, 2012 that you, in your official capacity as treasurer, and Women's Campaign Forum violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$375 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vute.

If you have any questions regarding this matter, please contact David Garr on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

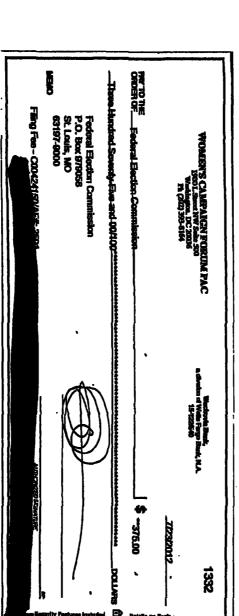
Caroni C. Hunter

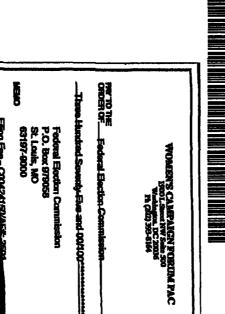
Caroline C. Hunter

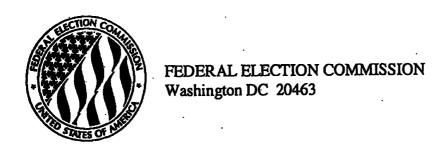
Chair



QUALITY IS OUR PRIORITY FOR LOCKBOX 9058 SEQ# 001 \$ 0000037500 BA# 1 08-09-12 20 4







THIS IS THE END OF	ADMINISTRATIVE FINE CASE #_25	<b>13</b>
DATE SCANNED	10/4/12	
SCANNER NO.		
SCAN OPERATOR	55 <b>4</b>	